

REMARKS

Claims 1, 2, 4-12, 14-21, 23-29 and 31-36 are pending, whereas claims 3, 13, 22 and 30 were previously cancelled by applicants without prejudice.

Applicants herein respond to a Notice of Failure to Acceptably Respond to Notice of Non-Compliant Amendment (dated 30 August 2004), and have submitted only the required amended portion of the Original Amendment.

Specifically, the "claim identifiers" for claims 2, 21, 26 and 29 now recite "Previously presented" instead of "Previously amended."

Applicants were confused by the multiple recent changes in acceptable claim identifiers, and had used the Office's previously equivalent recommend identifier of "Previously amended" instead of the presently correct "Previously presented." Significantly, however, these two terms refer to the same claim status (previously amended), and thus applicants have timely and consistently labeled the claims in question with consistent identifiers, and applicants' meaning has been consistent and clear.

Applicants, in a previous (on 08 May 2004) timely response to an initial Notice of Non-Compliant Amendment (dated March 29, 2004), had stated that applicants could not identify, or guess, why applicants' amendment was deemed to be Non-compliant, because the Office did not identify with particularity why applicants' Amendment was non-compliant. Applicants subsequently received a second Notice; namely, a Notice of Failure to Acceptably Respond to Notice of Non-Compliant Amendment (dated 30 August 2004).

Applicants respectfully contend that while the instant response is beyond 6 months from the initial Notice of Non-Compliant Amendment, it should be accepted as timely by the Office, because applicants have previously timely submitted a Response to Non-compliant Amendment with claims having an equivalent status identifier as that previously recommended by the USPTO for this

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particular claim status (previously amended), and further because the instant Response is within two months of receipt of an Office Notice that sufficiently identified the nature of applicants' non-compliance with enough particularity to allow applicants to reasonably respond.

No new matter has been added.

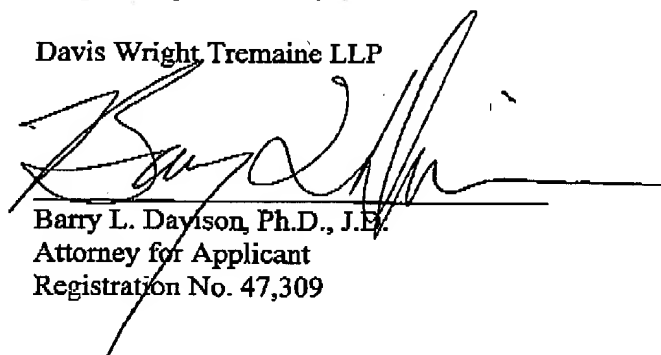
CONCLUSION

The Examiner is encouraged to phone applicants' attorney, Barry L. Davison, to resolve any outstanding issues and expedite allowance of this application.

No new matter has been added.

Respectfully submitted,

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